

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Pereria on 28 May 2010.

Please amend the specification as follows:

1. Please insert the following sentence after line 6 on p. 14: "Figure 2B shows G-CSF receptor is present on PC12 cells."

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: all rejections of record have been overcome. Specifically, Applicants cited post-filing date art, Sheibani et al. (Crit Care Med. 2004; 32: 2274-2278), who teach an improvement in neurological outcomes after administration of G-CSF in a model for traumatic brain injury model and at a dose very similar to that which is described in the instant specification (see whole document of Sheibani et al.). In an oversight, Applicants did not cite Sheibani et al. on their information disclosure form filed 5 April 2010, thus this reference is hereby being made of record by the Examiner. Further, during a current literature search by the Examiner, the following recently published documents were

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found to support enablement of the claims. Marzban et al. (European Journal of Neurology, 2009; 16 (Suppl. 3) 335-624; abstract P2765; 1 page) teach that G-CSF administration in a model of traumatic brain injury provide functional benefit. In addition, Modiry et al. (European Journal of Neurology, 2009; 16 (Suppl. 3) 335-624; abstract P2766; 1 page), teach that administration of G-CSF in a model of traumatic brain injury provides functional benefit. Finally, Iyer et al. (U.S. Patent Publication No: 2004/0186052; filed 24 October 2003 with an effective filing date of 24 October 2002) teach administration of RDP-58 in conjunction with cytokines, including G-CSF to patients with neurological disorders, including those with traumatic brain injury. It is noted that Iyer et al. do not qualify as prior art because a declaration under 37 C.F.R. 1.132 was filed on 30 July 2007 in the instant application, effectively establishing that the claimed invention had been conceived and reduced to practice prior to 7 June 2001. The conception and reduction to practice was supported by an appended German Offenlegungsschrift DE 100 33 219 A1. Specifically, claim 4 of the Offenlegungsschrift recites a method for the treatment of acute ischemias, including cranial or brain trauma.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

These amendments were made to clarify the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Borgeest whose telephone number is (571)272-4482. The examiner can normally be reached on 9:00am - 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christina Borgeest

/Bridget E Bunner/
Primary Examiner, Art Unit 1647